

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JULIANNA ZIMBUREAN,

Plaintiff,

v.

**ORDER**  
12-CV-562-A

LTC ENTERPRISES, INC.,  
dba DM & ASSOCIATES,

Defendant.

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Upon the motion of the plaintiff, Julianna Zimburean pursuant to Fed. R. Civ. P. 55(b)(2), the Clerk shall enter a default judgment against the defendant, LTC Enterprises, Inc., dba DM & Associates, pursuant to Fed. R. Civ. P. 55(b)(2) with statutory damages in the amount of \$500 plus costs and attorney fees of \$3,161, for a total award of \$3,661. Although plaintiff Zimburean sought the maximum statutory damages of \$1,000, the alleged conduct of defendant LTC Enterprises, Inc., was not egregious enough to justify a statutory-maximum award of \$1,000, and the \$500 award is in line with statutory-damage awards in other cases where no actual damages were quantified. See e.g., *Hirsch v. ANI Management Group, Inc.*, No. 12-CV-3454 (ARR)(RML), 2013 WL 3093977 \*2-3 (E.D.N.Y. June 18, 2013). After entry of judgment, the Clerk shall terminate the action.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: August 7, 2013